

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

vs.

Case Number: 3:00-CR-00004(HL)

JOSE E. MAYORAL

MOTION REQUESTING TERMINATION OF PROBATION AND CANCELLATION OF
SHOW CAUSE HEARING

TO THE HONORABLE Héctor M. Laffitte
SENIOR U.S. DISTRICT COURT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Víctor Canino, U.S. PROBATION OFFICER of this Court, notifying the Court of Mr. José E. Mayoral's termination of probation with an outstanding restitution and requesting a summons for revocation of probation based on new criminal conduct.

On November 30, 1988, Mr. Mayoral was sentenced in the Southern District of Florida to ten (10) years of incarceration after previously pleading guilty to all counts of a six-count information charging violations of 18 U.S.C. §§ 1341, 1343, 1344, and 2. The Court specified the following: defendant is committed to five (5) years incarceration on count one; and five (5) years incarceration on count three. Count three is to run consecutive to the sentence imposed on count one. The Court further ordered that the sentence imposed on counts two, four, five and six is suspended and the defendant is placed on probation for five (5) years concurrent with each other, but consecutive to the sentence of incarceration including any parole or supervision.

The Court further ordered that Mr. Mayoral was to pay restitution to AMVETS Corporation of two million dollars (\$2,000,000) within five years.

On May 28, 1992, Mr. Mayoral was released on parole supervision to the Southern District of Florida. On August 24, 1993, a warrant was

issued by the Southern District of Florida as Mr. Mayoral violated the terms of his parole for new criminal conduct. On June 28, 1996, Mr. Mayoral was arrested. On October 15, 1996, Mayoral's parole term was revoked.

On August 27, 1999, Mr. Mayoral was released from incarceration and was paroled to the District of Puerto Rico. According to parole documents Mr. Mayoral's new termination was November 10, 2001, at which time he began a five (5) year term of probation.

On November 19, 1999, Mr. Mayoral's jurisdiction was transferred to the District of Puerto Rico. On December 3, 1999, Mr. Mayoral agreed to pay \$200 per month toward his Court ordered restitution which he has done faithfully.

During his term of probation Mr. Mayoral's financial status had significantly changed and he could have been paying more toward the restitution. As a result, the United States Probation Office was in contact with the AMVETS Corporation counsel, Mc Connell & Valdés, the United States Attorney's Office, and Mr. Mayoral's counsel attempting to coordinate a settlement agreement as to the remaining balance of the restitution. However, the coordination proved to be somewhat tiresome as Mr. Mayoral kept procrastinating and negotiations kept stalling for one reason or another.

On July 12, 2005, the United States mailed Mr. Mayoral financial documents requesting him to provide his current financial status. He returned the documents on August 2, 2005. After reviewing the financial documents, it is clear that Mr. Mayoral failed by omission to provide information required to determine his financial position. He subsequently furnished false documents under the penalty of perjury and making false statements which violates 18 U.S.C. § 1001.

On November 8, 2006, the United States Probation Office filed a request for a show cause hearing for revocation of probation as a result of Mr. Mayoral not providing truthful information regarding his financial status.

On November 15, 2006, the Court ordered that Mr. Mayoral reach an agreement with the victim company, AMVETS Corp., as to the restitution amount. The Court further specified that said agreement was to be reached by January 9, 2007.

On December 20, 2006, the United States Probation Office received documentation from Mc Connell & Valdés indicating that Mr. Mayoral has signed all corresponding financial documents as well as paid \$100,000 toward the remaining balance of the restitution.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct and, unless the Court rules otherwise, it is respectfully requested that the Court cancel the hearing for January 9, 2007 as the parties have finalized an agreement thus allowing the case terminate. Thus, there is no need to have a show cause hearing as scheduled on January 9, 2007.

In San Juan, Puerto Rico, this 8th day of January, 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 8, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the EM/ECF system which will send notification of such filing to the following:

H.S. García, U.S. Attorney, and Joseph Laws of the United States Federal Public Defenders Office.

At San Juan, Puerto Rico this 8th day of January 2007.

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